IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3296 OF 2006

Puneet Yogiraj Makar .. Applicant
v/s.
The State of Maharashtra and another .. Respondents

Mr. A.P. Mundargi, senior counsel with Mr. P.R. Runwat for the applicant.
Mr. A.S. Shitole, APP for the State.

CORAM : B.H. MARLAPALLE, J.
DATED : 3RD SEPTEMBER, 2007

P.C.

Heard Mr. A.P. Mundargi, the learned senior counsel with Mr. P.R. Runwat for the applicant who is an accused in Special Case No.4 of 2004. He had filed an application for discharge at Exhibit 25 and under section 227 of the Criminal Procedure. The said application came to be rejected. Hence this application invoking inherent powers of this court under section 482 of the Criminal Procedure Code.

2. I find that trial of Special Case No.4 of 2004 has already commenced and four witnesses have been examined. Mr. Mundargi expressed his apprehension that while deciding the main case on merits and more particularly, regarding the involvement, if any, of the present applicant (accused No.6) in the offence, the trial court may or is likely to be influenced by the reasoning set out in the order dated 5.5.2006 passed by the learned Special Judge while rejecting the application at Exhibit 25.

3. It is hereby directed that Special Case No.4 of 2004 shall be heard and decided on its own merits on the basis of the evidence that would be placed before the Special Court and without being influenced by any observations made in the order dated 5.5.2006 while rejecting the application at Exhibit 25.

(B.H. MARLAPALLE, J.)